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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,616	12/22/2000	Robert Eugene Krautkramer	659/773	4594

757 7590 06/27/2003

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EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/27/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/748,616

Applicant(s)

KRAUTKRAMER ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42,44 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42,44 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>16 & 18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless in view of Brown. Wheless discloses the invention including a cutting device (50), a pocket (15), a first planar surface (Fig. 4, right side wall of the top pocket {has a 15 arrow on it}), a second surface larger than the first surface (Fig. 4, opposite side wall from first planar surface), that the pocket comprises a an open and closed end (Fig. 4), a concave surface between the planar surfaces (Fig. 4), a plurality of channels situated in the pocket (Fig. 1), a sprocket (10) supporting the pockets (Fig. 4), that the sprocket rotates about an axis (17), that the distance between the first and second planar surfaces is greater than the diameter of the log (Fig. 4), that the cutting device exerts a force on the log (Fig. 4), that a first surface and the concave surface counterbalance the force exerted by the cutting device (Fig. 3), that the cutting device passes through the channels (Fig. 1), and that sprocket supports a plurality of pockets (Fig. 4) but fails to disclose that the second surface is planar. Brown teaches a second planar surface (Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wheless with a second planar surface, as taught by Brown, to create a more efficient holding pocket.

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3. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless in view of Brown as applied to claims 31-36 and 42 above, and further in view of Lindenblatt et al. Wheless and Brown disclose the invention including a plurality of pockets (Fig. 4) that support the work piece along its length (Fig. 1), that the pockets are configured to maintain the work piece in the pockets without the use of an external structure (Fig. 4 Examiner notes that item 20 is part of the sprocket and is not an external structure) and that the blade puts an vertical force on the work piece (Fig. 4) but fail to disclose a plurality of circular saw blades that cut the work piece into a plurality of pieces. Lindenblatt et al. teaches the use of a plurality of circular saw blades (62) that cut the work piece into a plurality of pieces (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wheless in view of Brown with a plurality of saw blades, as taught by Lindenblatt et al., to create a more efficient cutting apparatus.

4. Claims 38-41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless in view of Brown as applied to claims 31-36 and 42. Wheless and Brown disclose the invention including a pocket with a base defining a horizontal axis (Fig. 4) and an open and closed end (Fig. 4) but fail to disclose that the first planar surface has a width less than 25 mm and a length between 50 mm and 360 mm, that the second planar surface has a width less than 155 mm and a length between 50 mm and 360 mm, that the concave surface has a radius of curvature between 12 mm and 130 mm, that the planar surfaces are 60 degrees above the horizontal axis, and that the planar surfaces are separated by 50 mm and 250 mm. It would have been an obvious matter

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of design choice to change the planar surfaces and the concave surface, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

5. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless in view of Lindenblatt et al. Wheless discloses the invention including a plurality of pockets (Fig. 4) that support the work piece along its length (Fig. 1), that the pockets are configured to maintain the work piece in the pockets without the use of an external structure (Fig. 4 Examiner notes that item 20 is part of the sprocket and is not an external structure) and that the blade puts a vertical force on the work piece (Fig. 4) but fails to disclose a plurality of circular saw blades that cut the work piece into a plurality of pieces. Lindenblatt et al. teaches the use of a plurality of circular saw blades (62) that cut the work piece into a plurality of pieces (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wheless with a plurality of saw blades, as taught by Lindenblatt et al., to create a more efficient cutting apparatus.

Response to Arguments

6. Applicant's arguments with respect to claims 31-42, 44, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287.

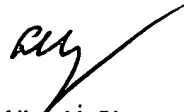
The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
June 20, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700